

Chapter 14.242

WIRELESS COMMUNICATIONS FACILITIES

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14.242.010 Purpose. The purpose of this chapter is to accommodate wireless communication facilities (WCFs) in a manner that preserves the visual and aesthetic landscape and character of the city and minimizes adverse impacts to residents. These regulations are intended to provide all purveyors of wireless services an equal opportunity to serve the community in accordance with federal law.

A. This chapter is intended to further the following objectives:

1. To establish procedural requirements and substantive criteria applicable to approval or denial of applications to modify existing WCFs or to locate and construct new WCFs in compliance with all applicable law.
2. To minimize the adverse aesthetic impacts associated with WCFs through appropriate design and siting.
3. To encourage the use of Distributed Antenna Systems (DAS) and other small cell systems that use components that are a small fraction of the size of macrocell deployments, and can be installed with little or no impact on utility support structures, buildings, and other existing structures.
4. To encourage WCFs to locate on utility poles within the public right-of-way where a location in a residential area is necessary to meet the functional requirements of the telecommunication industry as defined by the Federal Communications Commission.
5. To foster networks of telecommunications facilities that provide adequate wireless communication coverage to customers within the city and serve as an effective part of the City’s emergency response network.
6. To ensure that decisions are made in a timely, consistent and competitively neutral manner.

B. To further these objectives, the City shall give due consideration to the zoning code, existing land uses, and environmentally, culturally and historically sensitive areas

when approving sites for the location of communication towers and antennas.

- C. These objectives are intended to protect the public health, safety, and welfare, to protect property values, and to minimize visual impacts, while furthering the development of enhanced telecommunications services in the city. These objectives were designed to comply with the Telecommunications Act of 1996. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent wireless communication services.
- D. To the extent that any provision of this chapter is inconsistent or conflicts with any other City ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

14.242.020 Definitions. The following abbreviations, phrases, terms and words shall have the meanings assigned in the section or, as appropriate, in Chapter 14.100 SMC, as amended, unless the context indicates otherwise. Words that are not defined in this section or elsewhere in this title shall have the meanings set forth in Chapter 5 of Title 47 of the United States Code, Part 1 of Title 47 of the Code of Federal Regulations, and, if not defined therein, their common and ordinary meaning.

- A. “Antenna” means a specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals

transmitted to or from other antennas for commercial purposes.

- B. “Base station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not include a tower, as defined herein, or any equipment associated with a tower. Base station includes, without limitation:
1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
 3. Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs 1-2 above that has been reviewed and approved by the City.
- C. “Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
- D. “Distributed Antenna System” or “DAS” means a network consisting of transceiver equipment at a central hub site to support

multiple antenna locations throughout the designed coverage area.

- E. “Eligible facilities request” means any request for modification of an existing tower or base station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that tower or base station and involves (a) the collocation of new transmission equipment, (b) the removal of transmission equipment, or (c) the replacement of transmission equipment.
- F. “Eligible support structure” means any tower or base station that exists at the time the application is filed with the City.
- G. “FCC” means the Federal Communications Commission or successor agency.
- H. “Monopole” means a style of free-standing antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are attached to a foundation on the ground. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices.
- I. “Project” means a WCF for which a permit is required by the City.
- J. “RF” means radio frequency on the radio spectrum.
- K. “Spectrum Act” means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act, 42 U.S.C. §1344(a) (providing, in part, “...a State or local government may not deny, and shall approve, any eligible facilities request for a modification of any existing wireless tower or base station that does not

substantially change the physical dimensions of such tower or base station.”).

- L. “Substantially change” means, in the context of an eligible support structure, a modification of an existing tower or base station where any of the following criteria is met:
 - 1. For a tower located outside of public rights-of-way:
 - a. The height of the tower is increased by more than twenty feet or by more than ten percent, whichever is greater; or
 - b. There is added an appurtenance to the body of the tower that would protrude from the edge of the tower by more than twenty feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 - 2. For a tower located in the public right-of-way and for all base stations:
 - a. The height of the tower is increased by more than ten percent or ten feet, whichever is greater; or
 - b. There is added an appurtenance to the body of that structure that would protrude from edge of the tower by more than six feet.
 - 3. For all base stations:
 - a. The height of the base station is increased by more than ten percent or ten feet, whichever is greater; or
 - b. It involves the installation of more

than the standard number of new equipment cabinets for the technology involved, but not more than for four cabinets.

4. For either a tower or a base station:
 - a. There is entailed in the proposed modification any excavation or deployment outside the current site of the tower or base station; or
 - b. The proposed modification would cause the concealment or camouflage elements of the tower or base station to be defeated; or
 - c. It does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.
5. To measure changes in height for the purposes of this section, the baseline is:
 - a. For deployments that are or will be separated horizontally, measured from the original support structure.
 - b. For all others, measured from the dimensions of the tower or base station, inclusive of the originally approved appurtenances and any modifications that were approved by the City or Snohomish County, in the case of annexed facilities, prior to February 22, 2012.
 - c. To measure changes for the purposes of this section, the

baseline is the dimensions that were approved by the City or Snohomish County, in the case of annexed facilities, prior to February 22, 2012.

- M. “Tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or FCC-authorized antenna, including any structure that is constructed for wireless communication service. This term does not include base station.
- N. “Temporary WCF” means a nonpermanent WCF installed on a short-term basis, for the purpose of evaluating the technical feasibility of a particular site for placement of a WCF, for providing news coverage of a limited event, or for providing emergency communications during a natural disaster or other emergencies that may threaten the public health, safety and welfare.
- O. “Transmission equipment” means equipment that facilitates transmission of any FCC-licensed or FCC-authorized wireless communication service.
- P. “Wireless communications facility” or “WCF” means any antenna, associated equipment, base station, small cell system, tower, and/or transmission equipment.
- Q. “Wireless communications service” means, without limitation, all FCC-licensed backhaul and other fixed wireless services, broadcast, private, and public safety communication services, and unlicensed wireless services.

14.242.030 Applicability and Exemptions.

The provisions of this chapter shall apply to all applications for new and expanded/altered wireless communication facilities located within the boundaries of the city except the following, which shall be permitted in all land

use designations unless otherwise regulated by Title 14 SMC:

- A. Systems for military and government communication and navigation.
- B. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
- C. Hand-held, mobile marine and portable radio transmitters and/or receivers.
- D. Two-way radio used for temporary or emergency services' communications.
- E. Federally licensed amateur (ham) radio stations and citizen band stations, provided that:
 - 1. No portion of the tower or antenna exceeds the height limits of the applicable land use designation;
 - 2. The tower shall be located a distance equal to or greater than its height from any existing residential structure located on an adjacent parcel;
 - 3. Towers shall not be used for commercial purposes; and
 - 4. All towers shall meet all applicable state and federal statutes, rules, and regulations, including obtaining a building permit from the City, if applicable.
- F. Receive-only television and satellite dish antennas as an accessory use.
- G. A temporary WCF.

14.242.040 Prohibitions.

- A. The following new wireless communication facilities are prohibited:

- 1. Guyed towers.
- 2. Lattice towers.

- B. Unless demonstrated to be necessary and without effective alternative, new monopoles are prohibited within the boundaries of the Historic District.
- C. WCFs are prohibited in the Public Park land use designation.

14.242.050 Siting Hierarchy. Siting of antennas or support structures shall adhere to the siting hierarchy of this section. The order of preference ranking for antennas or antenna support structures, from highest to lowest, shall be Tier 1 to Tier 4. Except where a Tier 1 WCF is proposed, the applicant shall file relevant information including but not limited to an analysis and affidavit by a registered professional electrical engineer licensed in the State of Washington demonstrating that, despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher tier options are not technically feasible or not justified given the location of the proposed wireless communications facility and the need to cover significant gaps in network coverage.

- A. Tier 1 - A WCF that is:

- 1. Concealed entirely within a non-residential building.
- 2. Incorporated into the exterior architecture of an existing building above the first floor to match the building's design.
- 3. Designed with no antenna extending more than 12 feet above a utility pole or structure (other than a building) constructed for a non-WCF purpose upon which it is mounted.
- 4. Located on an existing monopole or lattice structure in compliance with all

original conditions of approval.

5. Located on a high-voltage transmission tower within a transmission right-of-way and outside a public street right-of-way.
6. A new monopole-style WCF with antennas in a canister located within the Business Park or Industrial designation.
7. Located on a City water tower.
8. Except as otherwise listed, any alternative not visible, and not anticipated to become visible, from any off-site location.
9. Determined to be consistent with the purpose of this subsection and resulting in an equivalent or lower visual impact than the WCF alternatives in this subsection due to incorporation of technologies not in common use as of the date of this ordinance.

B. Tier 2 - A WCF that is:

1. Located on a new or existing utility pole within a City right-of-way and extending no more than 25 feet above the existing pole height and having no antenna or other equipment extending more than 3 feet from the exterior of the pole on which it is mounted.
2. Located on the flat roof of an existing non-residential building in a commercial or industrial designation and extending no more than 20 feet above the existing roof, provided the WCF is no closer to the edge of the roof than the height of the WCF.

C. Tier 3 - A WCF that is:

1. Located on City-owned land not

intended for public recreation where vegetation removal is the minimum necessary to allow installation and maintenance of the facilities, and where vegetation adjacent to the WCF location screens 80 percent of the height of the WCF where visible from off-site locations.

2. Located on a new or existing utility pole within a City minor arterial and extending no more than 40 feet above the existing pole height and having no antenna or other equipment extending more than 3 feet from the exterior of the pole on which it is mounted.

D. Tier 4 - WCF not meeting any of the options in A through C above when no reasonable alternative exists, where the facility height is demonstrated to be the lowest necessary to meet functional requirements, and when consistent with the following provisions:

1. In developed street rights-of-way adjacent to residential designations where located on wood support structures a maximum of 60 feet in height.
2. On non-building tracts within residential designations where vegetation removal is the minimum necessary to allow installation and maintenance of the facilities, and where vegetation adjacent to the WCF screens 80 percent of the height of the WCF from off-site locations.
3. On publicly owned lands of three acres or larger and located to minimize visibility from and impacts to adjacent properties.

4. In the Commercial, Mixed Use, and Pilchuck District designations, only where located on properties without residential uses and set back at least 20 feet from the front property line. The support structure shall be set back a distance equal to the height of the support structure from any residential designation.

14.242.060 Exception from the Standards.

Except as otherwise provided in this chapter, no WCF shall be used or developed contrary to any applicable development standard unless an exception has been granted pursuant to this section. These provisions apply exclusively to WCFs and are in lieu of the generally applicable variance provisions in Chapter 14.70 SMC.

A. A WCF exception is a Type 6 permit process.

B. Submittal Requirements. In addition to the submittal requirements for the WCF permit application, an application for a WCF exception shall include:

1. A written statement demonstrating how the exception would meet the criteria.
2. A site plan that includes:
 - a. A description of the proposed facility's design and dimensions, as it would appear with and without the exception.
 - b. Elevations showing all components of the WCF as it would appear with and without the exception.
 - c. Color simulations of the WCF after construction demonstrating

compatibility with the vicinity, as it would appear with and without the exception.

C. Criteria. An application for a WCF exception shall be granted if the following criteria are met:

1. The exception is consistent with the purpose of the development standard for which the exception is sought.
2. Based on a visual analysis, the design minimizes the visual impacts to residential designations, the Historic District, and public places, including street rights-of-way through mitigating measures, including, but not limited to, building heights, design, bulk, color, and landscaping.
3. The applicant demonstrates the following:
 - a. A significant gap in the coverage, capacity, or technologies of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
 - b. The gap in coverage or connectivity can only be filled through an exception to one or more of the standards of this chapter; and
 - c. The exception requested is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this chapter's objectives and standards to the greatest extent possible.

4. Except as otherwise provided in this chapter, for a new tower proposed to be located within or adjacent to a residential designation, the applicant must also demonstrate that the manner in which it proposes to fill the significant gap in coverage, connectivity, capacity, or technologies of the service network is the least visually intrusive to the surrounding community and the most consistent with the standards in this chapter.

14.242.070 City-Owned WCF Sites.

Except within rights-of-way, sale, lease or other use of City-owned lands for a WCF shall be subject to City Council approval following a public hearing. Public review of such sales, lease, or other use by the City Council is not subject to the permit review timeframes in SMC 14.242.100. Through its review, the City Council may deny a request to use City-owned land or, if approved, may require conditions in excess of this chapter.

14.242.080 Types of WCF Permits

Required. A WCF permit shall be required prior to the construction or installation of each new or modified WCF other than a temporary WCF as defined herein. A WCF permit is required in addition to any land use, building, or right-of-way use permit or approval to which the proposal is subject under this title.

- A. A Category 1 WCF Permit shall be required for an eligible facilities request, as defined in this chapter.
- B. A Category 2 WCF Permit shall be required for:
 1. Any modification of an eligible support structure, including the collocation of new equipment, that substantially changes the physical dimensions of the eligible support structure on which it is mounted; or

2. Any collocation not eligible for a Category 1 WCF Permit.

- C. A Category 3 WCF Permit shall be required for the siting of any WCF that is not a collocation subject to a Category 1 or 2 WCF Permit.

14.242.090 WCF Application Requirements. All applications for a WCF Permit shall contain the following items:

- A. The applicant shall specify in writing the classification of the proposal on the siting preference hierarchy in SMC 14.242.050. Except applications for any WCF Permit that are consistent with a siting preference Tier 1 WCF type, a justification for a lower tier shall be provided.
- B. The applicant shall specify in writing whether the applicant believes the application is for an eligible facilities request subject to the Spectrum Act, and if so, provide a detailed written explanation as to why the applicant believes that the application qualifies as an eligible facilities request.
- C. The applicant shall submit a land use application form, as may be amended from time to time.
- D. The applicant shall submit a complete and signed application checklist available from the City, including all information required by the application checklist.
- E. The applicant shall remit fees as prescribed in the adopted fee schedule.
- F. The application shall be accompanied by all applicable permit applications with required application materials for each separate permit required by the City for the proposed WCF.

- G. For Category 3 WCF Permits, the plans shall include a scaled depiction of the maximum permitted increase in the physical dimensions of the proposed project that would be permitted by the Spectrum Act, using the proposed project as a baseline.
- H. The application submittal shall include such requirements as may be, from time to time, required by the City Planner, as publicly stated in the application checklist.

14.242.100 Permit Review (“Shot Clock”) Time Periods.

A. City review of application materials. For the purposes of this chapter, all time periods are measured in calendar days. The timeframe for review of an application shall begin to run when the application is submitted, but shall be “tolled”, meaning temporarily suspended, if the City finds the application incomplete and provides notice of incompleteness that delineates the missing information in writing. A notice of incomplete application shall be made within 30 days of submittal of the application. After submittal of all additional information included on the notice(s), the City will notify the applicant within 10 days of this submittal if the additional information failed to complete the application. If the City makes a determination pursuant to SMC 14.242.080B1 that the application submitted as a Category 1 eligible facilities request should be processed as a Category 2 or Category 3 WCF Permit, then the Category 2 or Category 3 processing time, as applicable, shall begin to run when the City issues this decision.

B. Category 1 WCF Permit processing time. For Category 1 WCF Permit applications, the City will act on the WCF application, together with any other City permits required for a WCF modification, within

60 days, adjusted for any tolling due to requests for additional information or mutually agreed extensions of time.

1. If the City determines that the application does not qualify as a Category 1 eligible facilities request, the City will notify the applicant of that determination in writing and will process the application as a Category 2 or Category 3 WCF permit application, as applicable.
 2. To the extent federal law provides a “deemed granted” remedy for Category 1 WCF Permit applications not timely acted upon by the City, no such application shall be deemed granted until the applicant provides notice to the City, in writing, that the application has been deemed granted after the time period provided in Section B above has expired.
 3. Any Category 1 WCF Permit application that the City grants or that is deemed granted by operation of federal law shall be subject to all requirements of Section 14.242.140C and E and 14.242.150A through F.
- C. Category 2 processing time. For Category 2 WCF Permit applications, the City will act on the application within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
- D. Category 3 processing time. For Category 3 WCF Permit applications, the City will act on the application within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
- E. Denial of application. If the City denies a

WCF application, the City will notify the applicant of the denial and the reasons for the denial, in writing.

14.242.110 Category 1 WCF Permit Process and Findings.

- A. A Category 1 WCF Permit shall be reviewed by the City Planner, whose decision shall be final and shall not be appealable pursuant to Chapter 14.75 SMC.
- B. The City Planner shall grant a Category 1 WCF Permit provided that the City Planner finds that the applicant proposes an eligible facilities request.
- C. The City Planner shall impose the following conditions on the grant of a Category 1 WCF Permit:
 - 1. The proposed collocation or modification shall not defeat any existing concealment elements of the support structure; and
 - 2. The proposed WCF shall comply with the development standards in SMC 14.242.140C and E and the conditions of approval in SMC 14.242.150.

14.242.120 Category 2 WCF Permit Process and Findings.

- A. A Category 2 WCF Permit shall be reviewed by the City Planner, whose decision shall be appealable to the Hearing Examiner pursuant to Chapter 14.75 SMC.
- B. The Hearing Examiner, on appeal, shall grant a Category 2 WCF Permit subject to findings the proposed WCF complies with the development standards in SMC 14.242.140 and the conditions of approval in SMC 14.242.150 and that the justification under SMC 14.242.050 and SMC 14.242.060, as applicable, contain

sufficient engineering analysis to justify the proposal.

14.242.130 Category 3 WCF Permit Process and Findings.

- A. A Category 3 WCF Permit for a WCF designated as Tier 4 in the siting preference hierarchy in SMC 14.242.050 shall be reviewed by the Hearing Examiner as a conditional use permit. All other Category 3 WCF Permits shall be reviewed by the City Planner. Approval shall be subject to findings of compliance with the development standards in SMC 14.242.140, the conditions of approval in SMC 14.242.150, and the conditional use approval criteria in SMC 14.65.020B, and that the justification under SMC 14.242.050 and SMC 14.242.060, as applicable, contains sufficient engineering analysis to justify the proposal.
- B. The City Planner and Hearing Examiner decisions shall be appealable according to the provisions of Chapter 14.75 SMC.

14.242.140 Development Standards.

Except as otherwise provided in this chapter, a proposed WCF project shall comply with the following standards:

- A. The WCF project shall utilize the smallest footprint possible consistent with its functional service requirements.
- B. The WCF project shall be designed to minimize the overall height, mass, and size of the base station.
- C. The base station shall be screened from public view.
- D. The WCF project shall be architecturally compatible with the existing site to the extent possible.

- E. An antenna, base station, or tower shall be designed to minimize its visibility from off-site locations. Concealment, screening, and other techniques may be used to blend the facilities with the visual character of the surrounding area.
- F. A building-mounted antenna, base station, or tower shall be architecturally compatible with the existing building on which the equipment is attached.
- G. Any WCF project in the Historic District, except when subject to an eligible facilities request, shall be reviewed by the Design Review Board and a recommendation issued for the project record.
- H. Except where proposed within a public right-of-way, a new support structure shall be set back from the street frontage to the extent possible.
- I. Where aviation safety beacon lights are required, red is preferred over white. Where applicable, applicants shall identify the type of lighting proposed and provide a justification for the use of white lights over red lights.
- B. As-built plans. The applicant shall submit to the City Planner an as-built set of plans and photographs depicting the entire WCF as modified, including all transmission equipment and all utilities, within 90 days after the completion of construction.
- C. The applicant shall hire a qualified engineer licensed by the State of Washington to measure actual radio frequency emission of the WCF and determine if it meets the FCC's standards. A report, certified by the engineer, of all calculations, required measurements, and the engineer's findings with respect to compliance with the FCC's radio frequency emission standards shall be submitted to the City Planner within one year of commencement of operation.
- D. Indemnification. To the extent permitted by law, the applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion and at the applicant's expense, elect to defend any such action with attorneys of its own choice.

14.242.150 Conditions of Approval.

In addition to any other conditions of approval permitted under federal and state law and this code that the decision authority deems appropriate or required under this chapter, all WCF projects approved under this chapter, whether approved or deemed granted by operation of law, shall be subject to the following conditions of approval:

- A. Permit conditions. The grant or approval of a WCF Category 1 Permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by the Spectrum Act.
- E. Compliance with applicable laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws including, without limitation, all building codes, electrical code, and other public safety requirements. Any failure by the City to

enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this code, any permit issued under this code, or all other applicable laws and regulations.

- F. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the City.

14.242.160 Third Party Technical Review.

Although the City intends for City staff to review administrative matters to the extent feasible, the City may retain the services of an independent, RF technical expert to provide technical evaluation of permit applications for WCFs. The selection of the third party expert is at the discretion of the City. The applicant shall pay the cost for any independent consultant fees, along with applicable overhead recovery, through a deposit, estimated by the City, paid within 10 days of the City's request. When the City requests such payment, the application shall be deemed incomplete for purposes of application processing timelines. In the event such costs and fees do not exceed the initial deposit amount, the City shall refund any unused portion within thirty days after the final permit is released or, if no final permit is released, within thirty days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before the permit is issued. The third party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communication facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the City may require changes to the

proposal. The third party review may include, but is not limited to, the following:

- A. The technical accuracy and completeness of submittals;
- B. The applicability of analysis techniques and methodologies;
- C. The validity of conclusions reached by the applicant;
- D. The viability of other site or sites in the city for the use intended by the applicant;
- E. Whether the WCF complies with the applicable approval criteria set forth in this chapter; and
- F. Any specific engineering or technical issues identified by the City.

14.242.170 Public Notice. Public notice of WCF applications shall be in accordance with the provisions of SMC 14.55.040. Notice of WCF applications shall be provided as follows:

- A. SEPA-exempt Category 1 and Category 2 permits shall be exempt from notice requirements.
- B. Notice of application shall be issued for Category 3 permits for WCFs listed as Tier 3 or Tier 4 on the preference hierarchy in SMC 14.242.050.
- C. Public notice shall be in accordance with SMC 14.55.040, except that notice of application required under part B. shall be mailed to all owners of property located within the city.

14.242.180 Removal of Abandoned Equipment. A WCF (Category 1, Category 2, or Category 3) or a component of that WCF

that ceases to be in use for more than 90 days shall be considered abandoned and shall be removed by the applicant, wireless communications service provider, or property owner within 180 days of the cessation of the use of the WCF. This presumption may be rebutted by a showing that such WCF is an auxiliary back-up or emergency utility or device not subject to regular use or that the WCF is otherwise not abandoned. If the WCF is not removed within the prescribed time period and within 90 days written notice from the City, the City may remove the WCF at the owner of the property's expense or at the owner of the WCF's expense, including all costs and attorney's fees. If there are two or more wireless communications providers collocated on a single support structure, this provision shall not become effective until all providers cease using the WCF for a continuous period of 180 days.

14.242.190 Revocation. The City Planner may revoke any WCF Permit if the permit holder fails to comply with any condition of the permit. The City Planner's decision to revoke a permit shall be appealable pursuant to Chapter 14.75 SMC.